



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,102	08/04/2003	Takayuki Nakagawa	450100-04697	5862
7590 08/06/2008 FROMMER LAWRENCE & HAUG LLP 745 FIFTH AVENUE NEW YORK, NY 10151				
EXAMINER				
FINDLEY, CHRISTOPHER G				
ART UNIT		PAPER NUMBER		
2621				
MAIL DATE		DELIVERY MODE		
08/06/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/634,102

Applicant(s)

NAKAGAWA ET AL.

Examiner

CHRISTOPHER FINDLEY

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-12, 14, 15 and 17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-12, 14, 15 and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The Examiner notes that claims 5, 13, and 16 have been cancelled via the claim amendments filed 2/29/2008.

Response to Arguments

2. Applicant's arguments filed 2/29/2008 have been fully considered but they are not persuasive.

3. Re claims 1, 9, and 17, the Applicant contends that the prior art cited fails to teach or suggest selecting one of plural commands for controlling reproduction operation of content based on (a) an amount of elapsed time and (b) user input. However, the Examiner respectfully disagrees. Kawamura discloses that an actual time code, tracks, and sections are given for each path (Kawamura: paragraph [0096]) and that time codes denote the period of time elapsed since the beginning of the program or track (Kawamura: paragraph [0096]).

4. Re claims 1, 9, and 17, the Applicant contends that the prior art cited fails to teach or suggest that the user input is used to control the skipping of the unused portions of the information carrier to skip from a first section to a second section. However, the Examiner respectfully disagrees. Kawamura discloses that the user selects among plural recorded versions of a video work (Kawamura: paragraphs [0035] and [0037]) and each version of the video work corresponds to a specific playback path (Kawamura: paragraph [0026]), indicating that different data sections are skipped depending on the control information for the user's selection.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

6. **Claims 1-17 are rejected under 35 U.S.C. 102(a) as being anticipated by Kawamura et al. (US 20020044757 A1).**

Re **claim 1**, Kawamura discloses a reproduction controlling apparatus (Kawamura: paragraph [0169]) comprising: user interface receiving user input according to operation by a user (Kawamura: paragraph [0174]); auxiliary information generation means for generating auxiliary information based on a first event notice related to reproduction operation regarding content recorded in a recording medium (Kawamura: paragraph [0176], entry points) and a second event notice indicating reproduction position information of said recording medium (Kawamura: paragraph [0190], "sector currently reproduced"); comparison-computation means for comparing or computing reproduction position information indicated by said auxiliary information with reproduction position information indicated by a later received second event notice to determine amount of elapsed time (Kawamura: paragraph [0190]; paragraph [0096], actual time code, tracks, and sections are given for each path, wherein time codes denote the period of time elapsed since the beginning of the program or track); and

command issuing means for selecting one of plural commands for controlling reproduction operation of said content, based on the amount of elapsed time (Kawamura: paragraph [0190], the controller 2120 compares sector addresses and directs the drive controlling circuit in accordance with position information; paragraph [0096], actual time code, tracks, and sections are given for each path, wherein time codes denote the period of time elapsed since the beginning of the program or track) and the user input (Kawamura: paragraph [0174], the controller 2120 controls the drive controlling circuit 2106 in response to the user input; paragraphs [0035] and [0037], the user selects among plural recorded versions of a video work; paragraph [0026], each version of the video work corresponds to a specific playback path).

Re **claim 2**, Kawamura discloses information storage means for storing auxiliary information generated by said auxiliary information generation means (Kawamura: paragraph [0176], entry point storing unit 2122); wherein said comparison-computation means performs comparison or calculation by utilizing reproduction position information indicated by auxiliary information read out from said information storage means (Kawamura: paragraph [0190], "controller 2120 compares the sector address of the sector currently reproduced from the drive control circuit 2106 to the sector address stored in entry point storing unit 2122").

Re **claim 3**, Kawamura discloses that the first event notice comprises notice of start of reproduction of a content block constituting said content (Kawamura: paragraph [0174]); and said auxiliary information generation means generates said auxiliary information based on a content block to be reproduced and reproduction position

information at an event of reproduction of such content block (Kawamura: paragraph [0176]).

Re **claim 4**, Kawamura discloses that said command issuing means changes a content block to be reproduced based on the amount of elapsed time (Kawamura: paragraph [0190]; paragraph [0096], actual time code, tracks, and sections are given for each path, wherein time codes denote the period of time elapsed since the beginning of the program or track).

Re **claim 6**, Kawamura discloses that said first event notice comprises notice of start of reproduction of a content block constituting said content (Kawamura: paragraph [0174]); and said auxiliary information generation means generates said auxiliary information based on a content block to reproduced and reproduction position information at an event of reproduction of such content block (Kawamura: paragraph [0176]).

Re **claim 7**, Kawamura discloses that said command issuing means changes a content block to be reproduced based on the amount of elapsed time (Kawamura: paragraph [0190]; paragraph [0096], actual time code, tracks, and sections are given for each path, wherein time codes denote the period of time elapsed since the beginning of the program or track).

Re **claim 8**, Kawamura discloses that if there is an issuing operation for a command for controlling reproduction of said content, said command issuing means issues said issued command by converting or adjusting said issued command based on

a result of comparison or computation by said comparison-computation means (Kawamura: paragraphs [0196]-[0197]).

Claim 9 recites the corresponding reproduction controlling method implemented by the reproduction controlling apparatus of claim 1. Therefore, claim 9 has been analyzed and rejected with respect to claim 1 above.

Claim 10 has been analyzed and rejected with respect to claim 2 above.

Claim 11 has been analyzed and rejected with respect to claim 3 above.

Claim 12 has been analyzed and rejected with respect to claim 4 above.

Claim 14 has been analyzed and rejected with respect to claim 6 above.

Claim 15 has been analyzed and rejected with respect to claim 7 above.

Claim 17 recites the corresponding computer readable medium containing computer executable programs for causing a computer to implement the method of claim 9. Therefore, claim 17 has been analyzed and rejected with respect to claim 9 above.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- a. Data reproduction apparatus and reproduction method

Ichikawa et al. (US 6959141 B1)

- b. Transport stream processing device, and associated methodology of generating and aligning source data packets in a physical data structure

Kato (US 7106946 B1)

- c. Method and apparatus for compensating reproduced audio signals of an optical disc

Cho (US 20020110366 A1)

- d. Information recording medium, apparatus and method for recording/reproducing information to/from the medium

Kawasaki et al. (US 20020131761 A1)

- e. Reproducing apparatus and reproducing/recording apparatus memorizing identification information of optical information media and method thereof

Sakuramoto (US 20020126992 A1)

- f. Fast forward trick mode and reverse trick mode using an information file

Lin et al. (US 20030077071 A1)

- g. Information record medium and apparatus for reproducing information according to navigation information

Moriyama et al. (US 7095951 B2)

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER FINDLEY whose telephone number is

Art Unit: 2621

(571)270-1199. The examiner can normally be reached on Monday through Friday, 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/
Supervisory Patent Examiner, Art Unit 2621
/Christopher Findley/